THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION No.12612 of 2007

Dated: 29.11.2007

Between:

Dr.K.Francis Sudhakar.

.. Petitioners.

And

National Institute of Technology (Earlier R.E.C.)
A Deemed University, Warangal-506 004
rep. by its Director
and others. .. Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION No.12612 of 2007

ORDER:

This writ petition is filed seeking a Mandamus declaring the notification vide Advertisement No.Estt.1/2007 published on 30.05.2007 in Hindu (English) Daily as illegal and arbitrary, and consequently, set aside the same by directing the respondents 1 and 2 not to fill up the vacancies in respect of the post of Lecturers and Assistant Professors in the Management Studies till earlier selection results are properly declared.

2. In the present writ petition, it is the grievance of the petitioner that the respondents, without declaring results of the earlier interviews held on 15.10.2006 pursuant to the notification vide advertisement dated 22.07.2006, had issued another notification vide Advertisement No.Estt.1/2007 published on 30.05.2007 in Hindu (English) Daily inviting applications from Indian nationals, possessing excellent academic background, commitment to quality teaching and potential for carrying out outstanding research, for faculty positions at the level of Professor, Assistant Professor and Lecturer in all Engineering Departments and Department of Science and Humanities, wherein the roster points against each post were not fixed as on the date of the notification, therefore, issuance of subsequent notification vide advertisement dated 30.05.2007 itself is illegal.

3. In the counter affidavit filed by the respondents, it is asserted that the selections in respect of earlier interviews held on 15.10.2006 has already been declared, and as the petitioner was found unsuitable for the post he applied for, he could not be selected. With regard to the roster points in the subsequent notification vide advertisement published on 30.05.2007, it is asserted that there was some delay in fixing the roster points, therefore, it could not be kept immediately in the web site. Even the subsequent notification says that for further details and vacancy position, the candidates may visit their web site or write to the Registrar, National Institute of Technology, Calicut. However, on 18-06-2007, when it was finalized, it was put in the web site as well as the date for submitting the applications was extended upto 02.07.2007, and in fact, finalisation of roster points was under active consideration and before it could be done, the petitioner approached this Court. Therefore, the allegation of the petitioner that no roster points were fixed in the subsequent notification is not correct.

4. Heard both sides.

5. It is the contention of the petitioner that as per the roster points, the post of Lecturer in Management Studies must be reserved for OBC candidate. In fact, the roster points, which are finalized and kept in the web site later on, indicate that the said post has been fixed under the OBC category.

6. While admitting the writ petition on 18.06.2007, in WPMP.No.15707 of 2007, interim stay was granted as prayed for. Therefore, as of now, the selections for the post of Assistant Professor and Lecturer in the Department of Management Studies pursuant to

the subsequent notification vide advertisement dated 30.05.2007 are not finalized and the respondents have not received any applications insofar as the faculty of Management Studies is concerned.

7. Having regard to the facts and circumstances of the case, the respondents are directed to receive the application of the petitioner to be filed within three days from the date of receipt of a copy of this order and shall accept the same and consider the case of the petitioner along with other eligible candidates for the post of Assistant Professor or Lecturer in Management Studies.

8. With the above directions, the writ petition is disposed of. No order as to costs.

-

_____

(C.V.RAMULU,J)

Dt.29.11.2007

Note: Issue CC by 03.12.2007

B/o

v v

-

-

-